

HOUSTON INDEPENDENT SCHOOL DISTRICT

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Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Sir/Madame,

I am writing today in response to the FCC's Notice of Proposed Rulemaking which, among other things, proposes changes to the E-Rate program. Before delving into my response to the proposed changes, I want to first thank the FCC for your continued support for the E-Rate program. The E-Rate program provides critical discounts to assist schools (like mine) to obtain affordable telecommunications and internet access.

Houston Independent School District is the largest school district in Texas and the seventh largest in the nation. Our district serves over 200,000 students from diverse backgrounds. Houston ISD is committed to providing every child a high-quality education. Students are encouraged to challenge themselves in rigorous academic courses designed to prepare them for college and meaningful careers. With the use of E-Rate funds, the District has been able to provide its students and staff with basic connectivity to ensure effective use of technology resources. However, to provide our students with competitive skills in emerging global economies, a strong infrastructure paired with reliable high-speed broadband connectivity is essential. E-rate discounts play a critical role in providing this connectivity.

The E-Rate program is a program succeeding in its mission. As the FCC moves forward with this NPRM, it is prudent to remain focused on the fact that E-Rate is a program that works and that any changes to the E-Rate program should be focused on expanding a successful program that has yet to reach its full potential. The current program, while needing some marginal updates to its structure, is most strained by increasing demand for E-Rate-supported services and persistently low funding. The single most effective step the FCC can take to bolster E-Rates current and future success is to provide \$5 billion in funding, an amount commensurate with current demand.

There are additional programmatic changes and restructuring that can provide additional efficiencies and savings. To rely solely on programmatic efficiencies, however, without providing additional new funding is a shortsighted solution, a policy that fails to address the program's most significant problem: inadequate funding.

I think this NPRM is an opportunity to tackle the important work of expanding a successful program. E-Rate is not a broken program that needs to be fixed; it is a successful program that schools and libraries continue to rely on, a program that must continue to provide funding critical for affordable telecommunications and connectivity.

In these comments, Houston ISD addresses a number of issues raised in the NPRM:

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Overall Funding Level Meeting Program Demand (§ 174)

Houston ISD believes the single most effective thing the FCC can do to bolster the E-Rate program's effectiveness in not only providing connectivity, but also expanded connectivity, is to more adequately and appropriately fund E-Rate. The E-Rate program was level-funded at \$2.25 billion between 1997 and 2011. In its 2010 NPRM, the FCC itself recognized the inadequacy of the current E-Rate funding level, writing that 'Demand for funding far exceeds available funding every year.' And 'In future years...it is likely that requests for telecommunications and internet access services will far outpace even the inflation adjusted cap. Houston ISD supports a permanent increase to the cap to a minimum \$5 billion and the current policy to adjust annually for inflation. Finally, HISD would support a 're-visit' every 5 years or so to ensure that the cap is appropriately addressing the needs of the beneficiaries it serves.

Broadband Goals, Services and Monitoring (§ 65-80)

HISD applauds the Commission for putting forth the concept of connectivity goals for Internet and WAN connections but feels the goals should be tied to devices on the network, *not users*, and that local districts should be able to decide the best connectivity level based on their needs. HISD also strongly believes that an applicant should not be found non-compliant if their needs determination falls short of any goal set by the Commission. For example, one school in our district required 100% more bandwidth when moving to a one-to-one initiative. School districts moving to a one-to-one initiative must have robust internal wireless networks to support high capacity, high-quality, and eventually, high-definitions performance requirements for student success. HISD currently internally monitors its Internet and WAN usage and supports providing information to the FCC through programs or processes currently in place. We are confident that this level of oversight ensures that HISD will be able to make bandwidth needs adjustments in a manner that is cost-effective and time efficient and will not require any oversubscription based on the specific need(s) at a school or facility. In order to provide reliable data on monitoring, e-rate discounts should be made available for these monitoring tools.

Cost of Deploying Broadband

The Commission has requested comment regarding the most efficient technological architecture schools will use to deliver WAN broadband services. Houston ISD believes that leasing fiber connections as an all-inclusive service is the most cost effective and efficient way to deliver high-capacity broadband services to schools and educational facilities in our district. With about 300 facilities connected with leased fiber, Houston ISD with e-rate discounts is able to provide students and staff with the best technology to meet their needs. We support the continued

discounts for new installation services. Houston ISD uses the competitive bidding process to provide the best value to the district for services.

School networks throughout HISD generally consist of wired connections to classroom with adequate wired connections to support the teaching in the classroom as well as wireless connectivity to each classroom. With the advent of increased online testing, wireless connectivity must support the student capacity of the room. Thus, HISD does not support SECA's proposal that priority two eligible services be limited to routers, up to one per building; wireless access points, up to one per classroom for schools; and internal cabling, up to three cabling drops per classroom for schools. This limitation does not account for the variety of buildings and the variety of teaching methods across the country. A school may have a large room to accommodate a large number of users and may require multiple access points or network drops to effectively serve the students.

Eligible Services (§ 90-110)

Anytime/Anywhere/24x7 Internet Access for Students

Houston ISD has begun its Power Up one-to-one program. Students in high schools will soon be taking home laptops. To promote academic excellence, learners should have seamless access to relevant technology tools, resources, and services for individualized instruction 24/7, no matter where they happen to be at any given moment on any given day. The District's poverty level is above 80% and not all students have access to internet connectivity outside of school facilities or school hours. In an effort to provide our students the same level of connectivity they have while in school, HISD encourages the Commission to consider allowing the E-Rate program to fully fund wireless broadband access whether provided or accessed on or off campus. This would truly 'level the playing field' for ALL students; rather than forcing a district to have to make a choice as to which students can participate in a particular one-to-one program that encourages learning always based on whether a their family can afford broadband internet access in their home.

Phasing Out of Services

The Commission has requested comment regarding changes in the E-Rate supported services. HISD believes *no immediate* changes be made to E-rate supported services.

One suggestion by the Commission is to stop providing services to non-instructional facilities. HISD feels this would be a backward step. In 2003, section 54.500 of the CFR was amended to better define "educational purpose" for facility, staff and services' eligibility determination. The definition was expanded to include activities that were "proximate to the education of students", thereby recognizing that non-instructional facilities and the activities of the staff housed at those facilities are critical to supporting a student's educational day. It seems rather counterintuitive to suggest that somehow the non-instructional facilities and the costs associated with providing connectivity that link them to the instructional facilities are suddenly not critical and somehow do not have as much need of the funding that has been available for the last 10 years.

Transitioning Voice to Support Broadband/Eligible Services

The Commission seeks comment regarding phasing out support for services used only for voice communications.

HISD would support a hybrid approach for phasing out of support for voice services as long as support would still be available for managed or unmanaged Voice over IP solution(s).

Additional items to be considered for the eligible services list should be components that can change and optimize the delivery of data, such as packet shaping, optimization, caching devices, firewalls, proxies, and filtering.

Discount Matrix (§ 117-135)

Per Paragraphs 128 and 129, Houston ISD would support the method that the school districts submit applications for discounts based on their overall NSLP eligibility percentage (total enrollment/NSLP eligibility) for the entire school district which would be applied to the discount matrix as long as the discount matrix does not change.

Per paragraph 135, HISD does not support a per student funding cap or budget.

If the Commission is seriously considering developing a different matrix for Priority One and Priority Two services, HISD would oppose any modification of the discount calculation/matrix for Priority One services. These services represent fixed telecommunication costs at the local level, and with schools and LEAs yet to reach pre-recession budget levels, the still-growing demand for priority one services means less money available for priority two which means ever fewer priority two applications are funded. In fact, for FY13, all available funding (including necessary rollover) was consumed by priority one applications, and it seems there will be zero funding available to support internal connections. Houston ISD opposes modification to the Priority One discount matrix, based largely on the fact that these levels are based on poverty and, therefore, on an ability to pay.

Streamlining Program Administration (§ 224-247)

HISD fully supports any effort by the Commission to speed review of applications and issuance of Funding Commitment Decision Letters ("FCDL"). For example:

The constant review of closed/merged schools in a district the size and complexity of HISD is a real source of trouble when working with PIA. Depending on the time of year that a particular application is reviewed, we could have 5 to a dozen or more schools that have been merged or closed or temporarily closed or any number of other machinations that cause PIA concern. The E-Rate applications are filed in the spring using the information that is available at the time, comprising the inclusion of new schools or otherwise transitioning schools that are known at that time. If our applications are not reviewed until later fall or winter of that year, we have officially begun a new school year by that time and our Board of Education may have made additional changes that were not known to us at the time the applications were filed. We spend an inordinate amount of time 'cleaning up' name changes and student populations that ultimately do not affect our discount or pre-discount cost of services. HISD would support changes to PIA procedure that lessen the burden put on the reviewers and the applicants to address closures or mergers in an appropriate fashion. HISD would respectfully suggest that the first question a PIA reviewer should ask when verifying the status of a closed or merged schools should be, "If this school is closed or merged, will it affect your E-Rate application as submitted?", or something to

that effect. If the answer is no, then the reviewer should simply be able to address any name changes or address changes without there being a complicated, drawn out cost allocation process. One year, we had to cost allocate a total of \$113.00 from a \$2M+ funding request simply to satisfy a reviewer's procedures which to most people would be considered a waste of valuable resources from both USAC's and HISD's perspective.

HISD **fully supports** SECA's proposed transparency solutions in paragraph 232.

HISD supports the Commission's suggestion that there should be deadlines by which USAC must undertake a specific action and backs SECA's proposal of 90 days from receipt of all requested documentation or other information. HISD has been subject to Special Compliance and Selective Reviews for the last 4 years. In that process, we are given VERY strict deadlines to respond to inquiries from USAC and provide reams of documentation (much of it duplicative from the previous year's review) yet, USAC has no such timeline associated with completing their review. In fact, for FY 2010/2011, it was nearly two years later that we received our FCDLs after hearing nothing from USAC in approximately 8 months. Additionally, HISD would like to suggest that more speedy decisions by USAC will ultimately allow them to better manage the fund itself since applicants will not have to continue to 're-apply' year after year for the same funding for which a decision is still pending.

HISD does not support the Commission's suggestion for two filing windows. The procurement cycle for HISD is several months at a minimum so there is really no value in having two windows only a couple of months apart. The Commission suggests this idea in an effort to allow applicants more information as to the potential of available funding for Priority Two applications. HISD contends that the timing of the availability of this information is not sufficient incentive to support this suggestion as it will not outweigh the additional burdens of at least doubling the number of deadlines to track and inflating the number of E-Rate funding year application to manage at any given time. As it is now, with only ONE window, HISD is managing 4 years of applications in various stages of 'completion'. Completion is achieved when all disbursements for all funding requests for a particular year are received, balanced and remaining funds released via the Form 500.

Finally, HISD would like to comment on the Commission's comments regarding the use of consultants. HISD has used an expert consulting firm for the last 5 years. We consider our consultants to be an integral part of our team to ensure compliance and they bring anecdotal experience to us that we otherwise would not have. HISD considers E-Rate Compliance to be paramount and much like attorneys, auditors or other highly specialized fields of expertise, E-Rate compliance requires intimate knowledge of the myriad rules and regulations and we feel strongly that outsourcing this expertise is an investment in our success. The cost of our E-Rate consultant is such a small percentage of the overall funding we receive it simply makes sense for us. It allows peace of mind and frees up district personnel to handle the day to day operational tasks and challenges throughout HISD.

CIPA (§ 271-275)

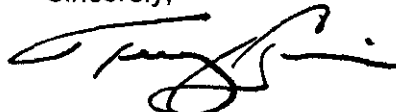
We support an expanded definition of the type of assets subject to CIPA regulations. Rather than limit the coverage to "computers with internet access", CIPA regulations should include

"electronic devices with internet access". "Electronic devices" should include any device when the device is utilizing an E-Rate subsidized network.

CIPA rules should only apply to devices connecting to an E-Rate subsidized network for internet access. The District provides computers and other devices to campuses and does not have a program where students bring their own devices as a part of our educational program. We cannot control any personal devices brought onto campus that are used outside E-Rate subsidized networks, and should not be responsible for filtering content on such devices. Content filtering of personal devices is simply cost prohibitive and potentially a privacy issue, unless it is disruptive to the education of students. Any device, provided by the district or provided by a third party, that connects to our network subsidized by E-Rate will automatically be protected. School-owned devices used off campus and used outside E-Rate subsidized networks should not be subject to CIPA rules. However, in the case of HISD, we currently have additional funding set aside to provide adequate controls at the device level to protect students from harmful material, regardless of the network they are accessing.

Thank you for considering my response as you move forward with your decision on the E-Rate program. I applaud the FCC for its continued efforts to protect the already oversubscribed E-Rate program by ensuring the future of this successful program. I urge you to support significant increased funding for the E-Rate program, and to ensure that the program and its limited resources are protected and preserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry B. Grier", with a stylized flourish at the end.

Terry B. Grier, Ed.D.
Superintendent of Schools

TG:cg